

REMARKS

Claims 13, 14 have been rejected, and claims 1-3, 5-12 have been questioned, under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

These claims have all been amended in compliance with court-approved claims formats, and are now submitted to define patentable subject matter within one or more of the independently designated categories of inventions under § 101.

Claims 9-11 and 14 have been rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

These claims have been amended in consideration of the Examiner's comments to define the invention with greater particularity, and as amended are now submitted to be patentable to Applicant.

Claims 1-3, 6, 7, 9-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Alaia et al '018. This rejection is respectfully traversed.

These claims variously recite “if a default final offer is registered as a valid bid, the online auction event is extended into an extension period to allow other competing participants to submit counterbids”. And, the dependent claims are further variously limited by such recitations as “providing a warning

message to that competing participant if the result of the comparison indicates that an erroneous offer has been submitted”, or “establishing a rating for each supplier of the panel of predetermined suppliers related to said key parameters”, or “a target bid (TB) in respect of the supply contract, the target bid calculated by said administrator computer to dynamically indicate to a supplier of an offer that that particular supplier must currently submit to remain competitive in the auction”.

These aspects of the claimed invention are not disclosed by Alaia et al ‘018 which, at best, is understood to merely set individual bid ceilings for each bidder, and to extend scheduled closing times in accordance with a ‘flexible overtime feature’ that is triggered by any of a number of different conditions. However, despite the Examiner’s analyses of collateral other aspects of Alaia et al ‘018, there is no disclosure in this reference, for example, of extending the auction event in response to the leading bid near the end of the normal event period being a default bid. Nor is Alaia et al ‘018 noted to disclose the associated dependent limitations, as cited above. It is therefore respectfully submitted that claims 1-3, 6, 7, 9-14 are not anticipated by, but instead are now patentably distinguishable over Alaia et al ‘018.

Claims 5 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alaia et al '018 in view of Segal '1689. This rejection is respectfully traversed.

These dependent claims as now amended are further limited to recite various aspects of the computer-implemented method pending registration of a participant's offer as a valid bid.

These dependent aspects of the invention as now claimed are not disclosed or even suggested by the cited references considered either alone or in the combination proposed by the Examiner. As indicated in the above Remarks, Alaia et al '018 fails to disclose, or even suggest, "if a default final offer is registered as a valid bid, the online auction event is extended into an extension period to allow other competing participants to submit counterbids". And, Segal '1689 as presently understood, and analysed by the Examiner, fails to 'cure' the deficient disclosure of Alaia et al '018, or even suggest management of a default final offer "unless and until that offer is registered as a valid bid", or "a stored default final offer is not made available to a user of said administrator computer unless and until that offer is registered as a valid bid", as claimed by Applicant. It is therefore respectfully submitted that these combined references fail to establish even a *prima facie* basis including *all* recited steps or elements from which a proper determination of obviousness can

be formed. Dependent claims 5 and 8 as amended herein are therefore submitted to be patentable to Applicant.

Favorable reconsideration and allowance of claims 1-3, 5-14 are solicited.

Respectfully submitted,
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